IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3510 OF 2003

Mrs. Alpa V. Lavingia .. Plaintiff.

vs.

Vithaldas G. Parekh .. Defendant.

Mr. Kocharekar for the plaintiff.

CORAM : S.U.KAMDAR, J.

DATE : 16th August, 2005.

P.C.

. The present suit is filed for recovery of a sum of Rs. 2 lacs. It is the case of the plaintiff that the said amount was paid by the plaintiff t the defendant towards repayment thereof. The defendant issued a cheque for the sum of Rs. 2 lacs being cheque no. 797523 dated 28.11.2000. The said cheque has been dishonoured and the memo dated 28.11.2000 issued by the bank stating that the same is dishonoured on account of "Funds insufficient". The defendant was served and affidavit of service dated 11.6.2004 has been tendered by the plaintiff. In any event, the defendants are served with the writ of summons by registered post A.D. The plaintiffs has also tendered the documents including

the dishonoured cheque which are taken on record.

2. In the aforesaid circumstances, there shall be a decree in favour of the plaintiff and against the defendants for the sum of Rs. 2 lacs with further interest at the rate of 12& per annum from the date of the suit till payment and/or realisation.